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Progress report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to operative paragraph 13 of Security Council resolution 1741 (2007) of 30 January 2007, in which the Council requested me to include in my next report details of the progress made towards the implementation of this resolution and of the Delimitation Decision of the Eritrea-Ethiopia Boundary Commission of 13 April 2002. The report also provides an update on the activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE) since my last report (S/2007/33), of 22 January 2007, and covers the situation until 22 April 2007.

II. Recent developments

Military situation

2. During the reporting period, the military situation in the Temporary Security Zone and the adjacent areas has remained tense and volatile. Troops of Eritrean Defence Forces (EDF) that entered the Zone in Sector West in October 2006, along with tanks, artillery and air defence equipment, have remained in the areas of Maileba and Om Hajer. Moreover, EDF has continued to deploy additional troops in Sector West along the Tesseney-Maileba-Om Hajer, Barentu-Kerkese-Shambiko and Tukul-Mulki-Shambiko axes. According to UNMEE observations, Eritrea has deployed over 2,000 troops and some 1,200 militia in Sector West, accompanied by 16 tanks, 2 multiple-barrel rocket launcher systems and 7 air defence guns. In the meantime, the deployment of EDF elements in Sector Centre, which began in late December 2006, has also continued along the Adi Keyh-Keskesse-Senafe, Mai Aini-Tsorena and Mendefera-Dirko-Mereb bridge axes. Latest estimates suggest that approximately 1,700 suspected EDF elements have been deployed to Sector Centre. Since their entry into the Zone, EDF troops have been strengthening defence lines, particularly in the areas of Om Hajer and Shilalo in Sector West, and in the areas of Tsorena and Italian Fort in Sector Centre. In addition, Eritrea has deployed around 6 anti-aircraft guns around the area of Assab Airport in Subsector East.

3. At the same time, Ethiopia has progressively increased its military presence near the southern boundary of the Temporary Security Zone by moving forward heavy equipment and military personnel, particularly in Sector West and Subsector

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East. As observed by UNMEE in Sector West, the Ethiopian Armed Forces (EAF) has deployed around 1,200 troops, 18 artillery guns, 4 120-mm mortars and 3 multiple-barrel rocket launcher systems, about 7 km from the southern boundary of the Zone in the area of Rawiyan, opposite from Om Hajer, and 16 artillery guns around the area of Adi Takalo. In addition, since 12 February, UNMEE has observed the deployment of 3 anti-aircraft guns, 3 vehicle-mounted rocket launchers, 17 artillery guns and 12 tanks in the vicinity of Bure, in Subsector East, within 3 to 5 km of the southern boundary of the Zone.

4. On 23 March, the Ethiopian authorities contacted UNMEE, asserting that Eritrea had recently moved additional tanks and heavy artillery into the Temporary Security Zone in the area of Om Hajer, in Sector West. However, UNMEE could not confirm these reports because of its considerably reduced monitoring capability, resulting from the restrictions imposed by Eritrea on the freedom of movement of its personnel in that Sector. Subsequently, between 5 and 10 April, UNMEE reported additional major EAF movements of troops, mortars, guns, ammunition and logistics equipment in the areas of Shiraro and Humera, and along the Inda Beguna-Adi Daro-Nebrid axis in Sector West, near the southern boundary of the Zone.

5. Despite increased military activities by both parties, the reporting period witnessed a perceptible reduction in cross-border incidents. However, on a number of occasions, UNMEE posts at critical locations had to diffuse tense situations along the border and investigate reports of cross-border incidents that included cattle-rustling and the repatriation of persons who inadvertently cross the border. While both parties have publicly maintained that they do not intend to resume hostilities, their increased military activities on the ground are consistent with possible preparations for a confrontation.

6. The kidnapping in early March 2007 by unknown assailants of five foreign and eight Ethiopian nationals, in the northern Afar desert of Ethiopia near the southern boundary of the Temporary Security Zone, has further exacerbated tension between the two countries. The foreign nationals and their Ethiopian escorts were released on 12 March and 23 April, respectively.

Restrictions on the freedom of movement of the United Nations Mission in Ethiopia and Eritrea

7. The considerable restrictions imposed by Eritrea on UNMEE, which I reported earlier to the Security Council, are still in place. The reporting period witnessed the imposition of additional severe restrictions on the movement of UNMEE patrols in Sector West and Sector Centre, particularly in areas where UNMEE observed ongoing military activities and the deployment of EDF troops and militia. Since 5 April, Eritrea has imposed new restrictions in the general area of Shilalo in Sector West, inside the Zone, curtailing all cross-border movement of UNMEE patrols in that area and causing major operational and logistical difficulties for the Mission. However, following a protest by UNMEE, Eritrea has partially lifted these new restrictions attributing them to unauthorized actions by local commanders.

8. As a result of these ongoing restrictions, UNMEE patrols are primarily limited to moving along the main supply routes and only in certain areas of Sector West and Sector Centre, inside the Temporary Security Zone. In addition, Eritrea has also maintained the crippling ban on United Nations helicopter flights, as well as the

reduction in the supply of fuel to UNMEE, which has serious negative consequences for its operational capability and ability to undertake contingency planning.

9. While attempting to investigate reports on EAF forward movement of troops, and the deployment of heavy equipment and weapons near the southern boundary of the Temporary Security Zone, UNMEE patrols have been denied access to EAF posts in the adjacent areas of the Zone. Ethiopian authorities have cited mine threats, which could compromise the safety of UNMEE patrols, as one of the reasons for limiting the movements. Nevertheless, UNMEE has reported that in some instances EAF has employed physical barriers to deny access of patrols to sensitive locations, particularly in Subsector East.

Military Coordination Commission

10. Since 29 July 2006, the meetings of the Military Coordination Commission have been suspended. Despite repeated attempts by UNMEE to convince the parties of the importance of the meetings of the Commission as a unique forum to discuss pressing military and security issues, the Ethiopian Government has maintained that it would only resume participation in the meetings of the Commission after Eritrea withdraws what Addis Ababa has described as heavy military equipment from the Temporary Security Zone. Meanwhile, Eritrea has claimed that Ethiopia's non-participation in the meetings of the Commission is a violation of the Agreement on Cessation of Hostilities. Eritrea has indicated that it will not participate in future activities of the Commission until UNMEE provides an official explanation for the suspension of the meetings since July 2006. UNMEE has continued to engage both parties in an effort to resolve their differences on this matter and enable the Commission to resume its work, which is critical in the light of the ongoing military build-up in the border areas.

Mine action

11. During the reporting period, UNMEE has continued to carry out humanitarian demining and Force demining protection. Despite encountering growing restrictions by Eritrea on the freedom of movement of UNMEE personnel in many areas in Sector Centre and Sector West, the Mission's Mine Action Coordination Centre has undertaken route clearance, mine risk education, explosive ordnance disposal works and other related activities. However, the Centre has been unable to ensure that routes are maintained free of mines, especially in Sector West, in particular with growing military activities by both parties.

12. On 16 March, the Eritrean authorities informed UNMEE of their decision to expel the Programme Manager of the Centre, alleging repeated violations of Eritrean laws and regulations. UNMEE contested the allegations before complying with the expulsion decision.

III. Implementation of Security Council resolution 1741 (2007)

Reconfiguration of the military component of the United Nations Mission in Ethiopia and Eritrea

13. As from early February, UNMEE began the downsizing of its military component from 2,300 to 1,700 personnel, including 230 military observers, in

accordance with paragraph 2 of Security Council resolution 1741 (2007). The strength of the Jordanian battalion was reduced from 750 to 500 personnel and the Jordanian level-II hospital from 60 to 40 personnel. These reductions were undertaken during rotation of Jordanian personnel in February. The Indian battalion was downsized from 850 to 600 personnel during its rotation in March and early April. The number of personnel of the Kenyan demining company was also reduced from 100 to 40 in March, while the reduction of personnel of the construction engineering company from 120 to 101 will be completed towards the end of April.

14. Since UNMEE has retained all existing military posts inside the Temporary Security Zone, the downsizing of the contingents has been achieved by reducing the number of personnel staffing each post. UNMEE has retained military posts in key sensitive areas of the Zone, including at its entry and exit points. Maintaining these posts will be crucial to avoid further erosion of the Mission capability to observe the movement of troops and heavy military equipment in and out of the Zone. With the restrictions on the freedom of movement of UNMEE patrols, maintaining these static observation posts assumes a particular significance.

Reduction of the civilian component of the United Nations Mission in Ethiopia and Eritrea

15. In accordance with Security Council resolution 1681 (2006), UNMEE reduced its civilian staffing table by 23 international posts following the previous downsizing of its military component. In addition, the Mission is further reviewing its civilian staff requirements in view of the recent reconfiguration of the military component, pursuant to Security Council resolution 1741 (2007).

Cooperation of the parties in the implementation of relevant provisions of Security Council resolution 1741 (2007)

16. Since its adoption on 30 January 2007, little progress has been made in securing the cooperation of both parties in the implementation of the relevant provisions of Security Council resolution 1741 (2007), as well as earlier Council resolutions, in particular resolution 1640 (2005).

17. On 1 February, I received a letter from the Permanent Representative of Eritrea to the United Nations in which, inter alia, he reiterated the position of his Government rejecting the appointment in August 2006 of the Deputy Special Representative, Azouz Ennifar, as my Acting Special Representative for UNMEE, and requesting the appointment of a new Special Representative. Under such circumstances, my Acting Special Representative has continued to discharge his responsibilities as head of UNMEE from Addis Ababa, since he is not permitted to travel to Eritrea. In the meantime, and as described in section II of the present report, Eritrea has increased its restrictions on the freedom of movement of UNMEE personnel inside the Temporary Security Zone, and Ethiopia has denied access to certain EAF posts. Moreover, the two parties have continued to deploy troops and heavy equipment inside and in close proximity to the Zone, and have also intensified their exchange of serious accusation through public statements.

18. In paragraph 9 of its resolution 1741 (2007), the Security Council has called upon me and the international community to engage with Eritrea and Ethiopia to help them normalize their relations, to promote stability between them and to lay the foundation for sustainable peace in the region. Since the adoption of that resolution,

I have consulted with members of the Council, as well as with key regional and international partners, on the most appropriate approach to coordinating our efforts in order to take forward this request of the Security Council. In the light of these contacts, I am encouraged that some members of the international community continue to be engaged in promoting the improvement of relations and in attempts aimed at overcoming the current stalemate between the parties.

19. In the meantime, I have initiated contacts with the two parties to seek their views and express my readiness to engage with them in identifying expeditious and creative approaches to overcome the current stalemate, with a view to the full implementation of the Comprehensive Peace Agreement, including the Eritrea-Ethiopia Boundary Commission Delimitation Decision. During these initial contacts, Eritrea has reiterated that the Boundary Commission Delimitation Decision of 13 April 2002 is final and binding, and that it must, therefore, be fully implemented, as stipulated in the Comprehensive Peace Agreement of 12 December 2000. For its part, Ethiopia has stressed that it has accepted the Delimitation Decision, while maintaining that the problems that may arise from the border demarcation can be resolved only through dialogue with Eritrea. In the meantime, Ethiopia has also continued to withhold payment of its share of the Boundary Commission expenses.

20. On 29 March, in an address to the House of People's Representatives, the Prime Minister of Ethiopia reiterated that his Government had accepted the Boundary Commission Decision and referred to earlier proposals for its implementation. On 13 April, the fifth anniversary of the Delimitation Decision, I received a letter from the President of Eritrea calling for a fresh and fair perspective in addressing the problem, and noting that continued failure to do so "... is fraught with and may precipitate a human tragedy that we earnestly wish to avoid ...".

IV. Eritrea-Ethiopia Boundary Commission

21. On 31 January 2007, the Eritrea-Ethiopia Boundary Commission closed its liaison office in Addis Ababa. A detailed report on the activities of the Commission during the reporting period is contained in the annex to the present report.

22. In view of the current impasse between the two parties, I regret to report that since the adoption of resolution 1741 (2007), no progress has been made towards the implementation of the Boundary Commission Delimitation Decision of 13 April 2002. In addition, during the reporting period, the Trust Fund established pursuant to paragraph 8 of Security Council resolution 1177 (1998) to support the boundary demarcation process has not received any additional voluntary contributions from Member States.

V. Human rights

23. During the reporting period, UNMEE has continued to collect first-hand information from victims and witnesses of human rights violations and abuses. In addition, the Mission has reported an increase in the number of individual cross-border cases, with many asylum-seekers fleeing Eritrea to Ethiopia.

24. Moreover, UNMEE has undertaken human rights-related capacity-building and promotional activities jointly with other stakeholders, mostly in Ethiopia. The capacity-building activities have targeted women's groups, judicial and law enforcement officials and university students. During the reporting period, UNMEE has noted an increase in demand for such activities.

25. In the meantime, UNMEE has continued to face constraints in the area of human rights monitoring and assistance, especially in the light of the limited resources available to the Mission in this regard, the ongoing restrictions on the movement of its personnel on key axes along the Temporary Security Zone and the requirement for human rights officers to obtain formal permission before communicating with the local authorities.

VI. Humanitarian activities

26. During the reporting period, the provision of humanitarian assistance in Eritrea continued to face significant challenges, especially in the light of limited presence by partners from non-governmental organizations and civil society. Despite encouraging reports by the World Food Programme (WFP) on high-yield cereal production in Eritrea last year, there are areas with limited or no harvest, thus threatening the food security of a significant section of Eritrean local residents. In the meantime, the activities of WFP are still suspended, following the decision by the Government of Eritrea to integrate all incoming food aid into its national food security policy.

27. In the meantime, the conditions of refugees and internally displaced persons in Eritrea remain relatively stable. Currently, Eritrea hosts 3,792 Somali refugees in the Emkulu camp near Massawa, and 752 Sudanese refugees in Elit refugee camp, in the Gash Barka region. In addition, the Office of the United Nations High Commissioner for Refugees (UNHCR) in Asmara registered 77 Ethiopian refugees and 1,896 asylum seekers, and approximately 14,500 Eritrean refugees at the Shimelba camp in Ethiopia. UNHCR has also continued its support to 250,000 returnees from the Sudan to Eritrea in the livelihood sector, particularly in the area of strengthening self-sufficiency through the construction of several micro-dams for increased irrigation. In addition, UNHCR is currently undertaking arrangements for the voluntary repatriation of a number of refugees from Eritrea to the Sudan.

28. In Ethiopia, an improved food security situation is anticipated for 2007 owing to increased harvest in many parts of the country. However, despite these positive prospects, an estimated 1.36 million people will continue to require emergency food assistance, owing to a combination of drought in some areas and severe flooding in others. The Ethiopian Government has introduced a new cluster approach aimed at ensuring better preparedness, greater accountability and capacity to respond during an emergency. In addition, acute watery diarrhoea is spreading to new areas, due to inadequate access to clean drinking water, the absence of proper sanitation facilities and unsafe hygienic practices.

VII. Observations

29. I am deeply concerned by the impasse in the Eritrea-Ethiopia peace process and by the growing tension between the two countries. The situation is exacerbated by hostile public statements, a volatile military and security situation in and around the Temporary Security Zone and the parties' involvement in other complex regional crises. This impasse continues to be a serious source of instability for the two countries, as well as for the wider region. The situation between the parties remains unpredictable, particularly given that the 12-month time frame, provided to the parties by the Eritrea-Ethiopia Boundary Commission in its statement of 27 November 2006 regarding the demarcation of the border, will expire soon.

30. I urge both parties to refrain from hostile public statements and to withdraw their troops from positions within and in close proximity to the Temporary Security Zone. I also call upon them to cooperate with UNMEE, with a view to resuming the meetings of the Military Coordination Commission, which can help manage and diffuse tensions on the ground.

31. As I mentioned in my previous report (S/2007/33), the United Nations, and I personally, stand ready to assist the parties in their efforts to achieve the full implementation of the Algiers Agreements. I intend to continue to engage both parties and to consult with key regional and international partners in support of all efforts aimed at overcoming the present dangerous stalemate, and creating an environment conducive to reaching a lasting and comprehensive settlement. In this context, I am considering the appointment of a new Special Representative to lead UNMEE and to take forward all aspects pertaining to my engagement with the parties. At the same time, any efforts to improve relations between the parties can be successful only if they demonstrate the political will necessary to overcome the present stalemate, extend their full cooperation to UNMEE and the Eritrea-Ethiopia Boundary Commission and exercise maximum restraint on the ground.

32. In this context, I am encouraged by the statement of the Prime Minister of Ethiopia of 29 March, that his Government has accepted the Eritrea-Ethiopia Boundary Commission Delimitation Decision of 13 April 2002. However, Ethiopia's position regarding cooperation with the Boundary Commission in the implementation of the Decision remains a major factor of the current impasse, together with the growing tension between the two countries. Accordingly, the international community would welcome an indication by the Government of Ethiopia of its readiness to extend full cooperation to the Boundary Commission, so that the demarcation of the border can proceed without further delay or preconditions.

33. In the meantime, the ongoing and increased restrictions imposed by Eritrea on UNMEE's movement and operations represent a serious violation of the Agreement on Cessation of Hostilities of 18 June 2000, the 2001 Protocol Agreement of 17 June 2001 concluded between Eritrea and UNMEE, and relevant Security Council resolutions. These restrictions have further reduced the monitoring capability of the Mission inside the Temporary Security Zone and have impacted very negatively on its capacity to perform its mandated tasks. The international community continues to expect the Government of Eritrea to lift all such restrictions without further delay or preconditions. It is worth recalling, in this context, that UNMEE was originally deployed at the invitation of both parties.

34. Despite the further downsizing of its military component, the related implications for its overall operational capabilities and the ongoing restrictions that it has faced since 2005, UNMEE continues to play an important role in encouraging restraint between the parties, and sustaining international commitment to the Algiers Agreements and the Eritrea-Ethiopia Boundary Commission Delimitation Decision.

35. In conclusion, I wish to express gratitude to my Acting Special Representative and to all civilian and military personnel of the Mission for their continued commitment, hard work and perseverance, especially in the face of an increasingly difficult working environment. I would further like to thank all the partners of the Mission, including the United Nations country teams, humanitarian agencies, individual Member States, the African Union and other international organizations, for the support they continue to lend to the peace process. I also wish to pay a special tribute to the troop-contributing countries for their continued support to this peacekeeping operation.

Annex

Eritrea-Ethiopia Boundary Commission: twenty-third report on the work of the Commission

1. This is the twenty-third report of the Eritrea-Ethiopia Boundary Commission, covering the period from 21 December 2006 to 31 March 2007. The previous report covered the period from 1 September to 20 December 2006.

2. As this is the Commission's first report to Secretary-General Ban Ki-Moon, the Commission wishes to express its good wishes to him on his appointment and looks forward to continuing the fruitful cooperation with him and his staff that it enjoyed under his predecessor.

3. In its previous report, the Commission indicated that it had not yet received any reaction from the Parties to the issuance of its Statement of 27 November 2006. The Commission regrets that the Parties have to date not yet proceeded as foreseen in paragraph 22 of the Statement, and, in particular, have not by themselves reached the necessary agreement on the emplacement of pillars, nor have they proceeded significantly to implement the Statement or enabled the Commission to resume its activity. The Commission stated further in paragraph 22 of the Statement that if the Parties did neither of the foregoing within 12 months of the issuance of the Statement, the Commission determined that the boundary would automatically stand as demarcated by the boundary points listed in the annex to the Statement and that the mandate of the Commission could then be regarded as fulfilled.

4. Nonetheless, the Commission wishes to reiterate its firm commitment, expressed in paragraph 28 of the Statement, that during the 12 months from the issuance of the Statement, it will remain willing to provide assistance in emplacing the boundary pillars if the Parties jointly so request and provide assurances of cooperation and security.

5. The Commission regrets the continued refusal of Ethiopia to pay its contribution to the Commission's work, as is required to by article 4 (17) of the Algiers Agreement. In its last report, the Commission indicated that it would be seeking support from the United Nations Trust Fund for Eritrea and Ethiopia to enable it to meet obligations that it had already incurred. The Commission has now been assured that it will receive the assistance it has sought. It thanks the donors and Trust Fund administrators for their support. The fact that it will now receive such support does not, however, relieve Ethiopia of its duty to meet its commitment to the Commission.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Eritrea-Ethiopia Boundary Commission